

MINUTES OF THE TYNGSBOROUGH CONSERVATION COMMISSION MEETING

April 25, 2006

Present

HJ: Henry Jungmann, Chairperson
RS: Robert Sherburne, Vice Chair
JZ: Jeanne Zarba

FZ: Frank Zarba
CH: Cynthia Hanna
LG: Lucy Gertz

LC: Lori Capone, Director
GC: Gloria Clancy, Clerk

Absent

BL: Brian Logue, Associate Member

7:00 Meeting opened by Henry Jungmann, Chairperson.

7:02 Whispering Pines Estates – 39 Lakeview Avenue – Notice of Intent: (Map 25, Parcel 13, Lot 0) (Continued from 11/8/05, 12/13/05, 1/10, 2/14 and 3/28/06) Proposed residential townhouses, roadway, roadway crossing of an intermittent stream, drainage, grading, and associated utilities within the buffer zone. Also, removal of existing septic system, associated grading and construction of a water pump station within the buffer zone. Mr. Cricones has asked for a continuance for one month. Our consultant Jeff Rider just received a complete set of plans yesterday. It will take a while for him to review and then for the applicant's engineer to respond.

CH: Motion to continue this hearing to 5/23/06 at 7:02 P.M.

RS: 2nd.

Unanimous (6-0)

Other Business:

- ❖ **Director Determination for Jim McDowell – 40 Pawtucket Boulevard.** He wants to put new decking on a dock frame that was already in place along the riverbank. LC showed photos of it. LC mentioned that if there wasn't already a Ch.91 License for the dock, the applicant should file and would need to have an OOC to get one.

JZ: Motion to approve the Director Determination for dock repairs at 40 Pawtucket Blvd.

RS: 2nd.

Unanimous (6-0)

- ❖ **Director Determination for the Highway Department – Canter Drive and Redgate Road.** There are spots on these two roads that have major icing problems. The Highway Department wants to install catch basins with sumps to reduce and treat the stormwater before it is discharged into the wetlands. LC showed two hand drawn plans. New catch basins are not included under their generic maintenance OOC.

FZ: Motion to approve the Director Determination for catch basins on Canter Drive and Redgate Road.

LG: 2nd.

Unanimous (6-0)

- ❖ **Director Determination for Gary Constantine – 9 Constantine Drive.** There is an active OOC for a 24' x 26' pre-fab barn. He wants to change this to a 22' x 22' Post & Beam style "floating" style barn. There would be no excavation needed and because it will be smaller it will be further from the wetland than the original plan. Three to four trees will need to come down that were not requested in the original NOI. LC showed photos of the area and pointed out the trees. The barn will be 116' from the riverfront at the closest point, and the tree removal is 100' away at the closest point. He will plant new trees to compensate.

RS: Motion to approve the Director Determination for the change in barn style and placement and the removal of trees at 9 Constantine Drive.

LG: 2nd.

Unanimous (6-0)

7:15 R & F Landholding LLC – Whitetail Estates – Off of Althea Drive. – Notice of Intent: (Map 33, Parcel 20) (Continued from 3/14 & 3/28/06) Construction of a roadway, drainage system, and two single-family dwellings with septic systems. Work on the roadway, utilities and one driveway is proposed in the buffer zone. We are in receipt of a request to continue. We have not received a response to our consultant's review as yet.

CH: Motion to continue this hearing to 5/23/06 at 7:10 P.M.

JZ: 2nd.

Unanimous (6-0)

Other Business:

- ❖ LC mentioned to the members that the residents of **Roberts Road** want to pitch in and extend the sewer line up Lawrence Road and into Roberts Road. There are several failed septic systems in the area. She explained that the line would go underneath two drainage-type culverts, but not through the actual brook. A private contractor would do the work, but the Sewer Commission would oversee the project. The members don't have a problem with it.
- ❖ LC said it is time to think about choosing someone to be our representative on the **Master Plan Implementation Committee** as Jeff Kablik will no longer be our rep. They hope to meet once a month. The Commission will think about it and designate someone at the next meeting.
- ❖ **Comcast** is adding some new lines at **Pondview Place** within the buffer zone of the pond, but not through the crossing and all within the roadway. The members see no problem with that.
- ❖ Mr. Berthiaume of the **Disc Golf** Association will have a **demo** booth at the Sherburne Property for our **Earth Day** Celebration. He would like to be able to tell people that they could expect to take part in disc golf at the Hunter Property in the near future. The members said that that would be fine.

7:30 Timothy Riley - 24 Nevada Road – Notice of Intent: (Map 2, Parcel 146) Installation of an above ground pool within the buffer zone.

CH: Motion to waive the reading of the abutter's list.

JZ: 2nd.

Unanimous. (6-0)

CH: Motion to waive the reading of the legal notice.

JZ: 2nd.

Unanimous. (6-0)

Mr. & Mrs. Riley presented their plan and said that Rogers Pool Company would be doing the work. Not much grading is necessary, and they will place silt fencing where LC recommends. They will use an environmentally friendly filter. LC read their letter from Natural Heritage and said they are all set with them. She has no issues with this project. HJ asked for member comments, then abutters. There were none.

JZ: Motion to close the hearing.

CH: 2nd.

Unanimous. (6-0)

JZ: Motion to issue an Order of Conditions permitting the project at 24 Nevada Road with the condition of having silt fencing placed at LC's recommendation and with the use of an environmentally friendly pool

Minutes 4/25/06 Continued

filter.

LG: 2nd.

Unanimous. (6-0)

LG: Motion to accept the minutes of the Conservation Meeting of 3/28/06.

RS: 2nd.

Unanimous (6-0)

CH: Motion to accept the minutes of the Conservation Meeting of 4/11/06.

JZ: 2nd.

5 Yeas, 1 Abstain (LC was not present at that meeting).

Motion Carried.

7:40 Two Tyng LLC: 104 Coburn Road – Notice of Intent: (Map 25, Parcel 43) Proposed construction of a single family dwelling, porch, garage, and driveway with grading and associated utilities; all within the buffer zone.

CH: Motion to waive the reading of the abutter's list.

FZ: 2nd.

Unanimous. (6-0)

CH: Motion to waive the reading of the legal notice.

FZ: 2nd.

Unanimous. (6-0)

Steve Eriksen of Norse Environmental Services, Inc. presented the plan for Don Crowell who was also present. He explained that the house will be connected to Town Sewer, but that there will be a well on the property. LC mentioned that there were no flag numbers on the plan. She hasn't walked the site yet. She noted that the hay bale line was on the wetland line so there will be no "no-disturb" zone. Steve said the house will be 30.6' from the line. The house will be small and have a garage under to minimize the work on the site. Steve said that they cannot possibly meet all of our setback requirements, but they do have the Zoning Board of Appeals permission to build on this site. The subdivision was approved in 1975, so it considered "grandfathered". Steve agreed to limit the grading to the front and sides of the property and leave the back alone. HJ asked LC to check with Town Counsel regarding the Commissions' Regulations. He asked for comments from the members. There was discussion about level of ground water. LC said they will need a de-watering plan. HJ asked for any abutter comments. John and Diane Gebo of 4 Jasper Lane said they had been concerned about a possible septic system, but if it will be on Town Sewer they have no objections.

JZ: Motion to continue this hearing to May 9 at 7:02 P.M.

FZ: 2nd.

Unanimous (6-0).

7:45 Aline Roy: 18 Bridle Path Way – Amendment to Order of Conditions: (Map 27, Parcel 64)

Installation of a septic system and retaining wall within the buffer zone. (Continued from 4/11/06) Jack Lougee of Dana Perkins, Inc. and Attorney Doug Deschesnes represented Aline Roy, who was also present. Jack summarized the original filing and OOC that we issued. He explained that since that time an abutter had a well drilled within the setback allowance required by the Board of Health. Our OOC had been contingent upon BOH approval. This amendment is to move the septic system to the opposite side of the house which the Board of Health has already approved and will still meet our setbacks. LC reminded them that there is the condition of silt fencing in addition to hay bales as on the original Order. HJ asked for member comments, then abutter comments. Jerry Martin, 14 Bridle Path Way, said he thought

HJ explained that moving the septic system still meets Title V and WPA requirements. Conservation required a 100-foot setback. HJ explained that the 100-foot mark is the limit at which an applicant needs to file with us. It does not mean that a person cannot do anything in that whole area. Jack Scott, 22 Bridle Path Way, voiced concerns over a possible vernal pool. LC checked and saw no evidence of a vernal pool. Additionally, as the road drainage discharges into this pond, LC did not believe this area would be conducive to vernal pool habitat.

JZ: Motion to close the hearing for 18 Bridle Path Way.

FZ: 2nd.

Unanimous. (6-0)

JZ: Motion to issue an Amended Order of Conditions permitting the changes in the plans for 18 Bridle Path Way with the condition that silt fencing be installed along with hay bales.

FZ: 2nd.

Unanimous. (6-0)

Other Business:

- ❖ Request for a **Partial Certificate of Compliance** for **11 Vista Way**. This is an old OOC for the Stonebridge Estates Subdivision of which this partial will be just for 11 Vista Way.

CH: Motion to issue a partial Certificate of Compliance for 11 Vista Way.

JZ: 2nd.

Unanimous. (6-0)

- ❖ The members signed Order of Conditions for 24 Nevada Road, the Amendment for 18 Bridle Path Way and the Partial C.C. for 11 Vista Way.

JZ: Motion to adjourn.

RS: 2nd.

Unanimous (6-0).

Meeting adjourned at 8:12 P.M.

Respectfully submitted by Gloria Clancy, Conservation Clerk